IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 1922 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/11/2004 in WP No. 17104 OF 2004 on the file of the High Court.)

Between:

N.Venkataratnam S/o.Janardhan Rao
R/o.Jubilee Hills, Hyderabad.

..... APPELLANT

AND

1.The District Collector, Ranga Reddy District at Lakdikapul Hyderabad.
2.The Mandal Revenue Officer Serilingampally Mandal, Ranga Reddy District.
3.Hyderabad Urban Development Authority at Rasoolpura, Secunderabad rep. by its Vice Chairman and Managing Director.
4.The Asst.Director of Survey and Land Records, Ranga Reddy District.

.....RESPONDENTS

Counsel for the Appellant: MR.N.SRIDHAR REDDY

Counsel for the Respondents 1,2 & 4: GP FOR REVENUE

Counsel for Respondent No.3: Mr.B.Viswanatha Reddy

SC for HUDA

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The petitioner came to the Court praying that the respondents were trying to dispossess the petitioner from his land admeasuring Ac. 1.16 guntas forming part of Survey No. 218/11 of Kondapur village, Srilingampally Mandal, Ranga Reddy District. Respondents denied that possession of petitioner from any part of land in Survey No. 218/11 is likely to be disturbed. The dispute is with regard to the construction made by the petitioner, which according to the respondents is in Survey No.218/10, which formed part of respondents' land, but, according to the petitioner, it is in Survey No. 218/11. Be that as it may, both parties are claiming that survey be conducted. Learned Single Judge declined to interfere in exercise of the writ jurisdiction on the ground that such disputed questions cannot be adjudicated upon in proceedings under Article 226 of the Constitution of India, and, thus, relegated the petitioner to ordinary civil remedy.

We have heard the learned counsel for parties.

May be, petitioner had to avail of the civil remedy, but, while dismissing the Writ Petition, the direction that would have been issued was that petitioner's possession from any part of Survey No. 218/11 of Kondapur village, Serilingampally Mandal, Ranga Reddy District, shall not be interfered with, in any manner, whatsoever, over which, respondents are not claiming any right, title or interest. Therefore, with the above direction, the Writ Appeal is disposed of. No costs.

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DEVINDER GUPTA, C.J.

2.12.2004.

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M.NARAYANA REDDY, J.

VR.

To

1.The District Collector, Ranga Reddy District at Lakdikapul Hyderabad.
2.The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3.The Vice Chairman & Managing Director, Hyderabad Urban Development Authority at Rasoolpura, Secunderabad.
4.The Assistant Director of Survey and Land Records, Ranga Reddy District.

5. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.